

December 20, 2012

LAKE COUNTY COMMISSIONERS' MEETING MINUTES

RAYMOND E. SINES, PRESIDENT	JASON W. BOYD, COUNTY ADMINISTRATOR
DANIEL P. TROY, COMMISSIONER	LEGAL COUNSEL
ROBERT E. AUFULDISH, COMMISSIONER	JOEL DIMARE, BUDGET DIRECTOR
AMY ELSZASZ, CLERK	NEWS MEDIA

(Tape 2012-1220)

CALL TO ORDER: Commissioner Sines called the meeting to order at 10:03 am, Thursday, December 20, 2012.

ROLL CALL: Upon the roll being called all were present.

APPROVAL OF MINUTES: Upon a motion by Commissioner Troy, seconded by Commissioner Aufuldish, the minutes of the meeting of November 29, 2012 were approved as follows:

"AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

OPEN TO THE PUBLIC: Commissioner Sines asked if anyone in the audience wished to address the Board. No one present addressed the Board.

RESOLUTIONS:

1. RESOLUTION APPROVING CONTRACT MODIFICATION NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH DLZ OHIO, INC. FOR THE VROOMAN ROAD ROUNDABOUT LOCATED IN LEROY TOWNSHIP (20121220\E01) (E-3)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish and Troy "NAYS": Commissioner Sines

2. RESOLUTION AUTHORIZING ADVERTISING FOR BIDS FOR FITTINGS, REPAIR PARTS, SERVICE EQUIPMENT AND TOOLS FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (BID OPENING: January 16, 2013) (20121220\U01) (UT-8)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

3. RESOLUTION APPROVING CHANGE ORDER NO. 1 WITH WORLDWIDE INDUSTRIES, CORP. FOR BACON ROAD WATER TREATMENT PLANT WASH WATER TANK PROJECT NO. 342-W, INCREASING THE TOTAL CONTRACT AMOUNT BY \$7,650.00 (20121220\U02) (UT-4)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

4. RESOLUTION RECLASSIFYING MICHELE MALLORY TO THE POSITION OF SECRETARY IN THE LAKE COUNTY DEPARTMENT OF UTILITIES, EFFECTIVE DECEMBER 17, 2012 (20121220\U03) (UT-3)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

5. RESOLUTION ACCEPTING THE RETIREMENT RESIGNATION OF JOSEPH MISOSKY FROM HIS POSITION OF LAB SUPERVISOR WITH THE LAKE COUNTY DEPARTMENT OF UTILITIES, EFFECTIVE DECEMBER 29, 2012 (20121220\U04) (UT-3)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

6. RESOLUTION TRANSFERRING APPROPRIATIONS AND TRANSFERRING CASH FROM WORDEN ROAD WATER MAIN REPLACEMENT 328W TO LCDU WATER DISTRICT (20121220\U05) (UT-2)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

7. RESOLUTION INCREASING APPROPRIATIONS, TRANSFERRING APPROPRIATIONS AND TRANSFERRING CASH FROM BACON RD WATER TREATMENT PLANT UPGRADE & EXPANSION 309W TO LCDU WATER DISTRICT (20121220\U06) (UT-2)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

8. RESOLUTION INCREASING APPROPRIATIONS, TRANSFERRING APPROPRIATIONS AND TRANSFERRING CASH FROM CEDAR GLEN/PARK ESTATES/EAST WOODLANDS SEWER REHAB PHASE 1 PROJECT 333S TO LCDU SEWER DISTRICT (20121220\U07) (UT-2)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

9. RESOLUTION AWARDING A BID CONTRACT TO UNIQUE PAVING MATERIALS CORP. FOR ASPHALT COLD PATCH FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (20121220\U08) (UT-4)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

10. RESOLUTION INCREASING APPROPRIATIONS FOR AREA C4-PHASE 4 290L CONTRACT PROJECTS (20121220\U09) (UT-2)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

11. RESOLUTION CERTIFYING UNPAID SEWER AND WATER SUMS TO THE LAKE COUNTY AUDITOR (20121220\U10) (UT-7)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

12. RESOLUTION APPROVING THE SETTLEMENT AGREEMENT IN PRINCIPLE WITH RB JERGENS CONTRACTORS, INC., AND CT CONSULTANTS, INC., RELATIVE TO RB JERGENS VS. THE BOARD OF LAKE COUNTY COMMISSIONERS, ET AL., MONTGOMERY COUNTY COURT OF COMMON PLEAS CASE NO. 08-CV-3358 (20121220\U11) (CT-8)

Commissioner Troy: This is a settlement of a legal dispute between the county and some contractors. We are settling for approximately 20% of the amount that they had originally sought in their lawsuit. Good job on the part of our negotiators.

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

13. RESOLUTION AUTHORIZING THE LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES CHILD SUPPORT ENFORCEMENT DIVISION TO ENTER INTO A IV-D SERVICE CONTRACT WITH THE LAKE COUNTY DOMESTIC RELATIONS COURT FOR CHILD SUPPORT SERVICES, EFFECTIVE JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 (20121220\JFS01) (JFS-2)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

14. RESOLUTION AUTHORIZING THE LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES CHILD SUPPORT ENFORCEMENT DIVISION TO ENTER INTO A IV-D SERVICE CONTRACT WITH THE LAKE COUNTY JUVENILE COURT FOR CHILD SUPPORT SERVICES, EFFECTIVE JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 (20121220\JFS02) (JFS-2)

Commissioner Troy: These IV-D contracts are federal funds that the county uses to provide certain services in these departments and requires a local match. The county has to put up 34%, but we get 66% from the federal government in terms of providing these services. We make sure that these are services that we need to provide in the county. And, we take advantage of having two-thirds of those costs paid for by the federal government. We have been very careful not to ask for more than what we need because that 34% adds up.

- Commissioner Aufuldish and Matt Battiato, Job and Family Services Director briefly discussed that these funds are there and that next year could be a different story.

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

15. RESOLUTION AUTHORIZING THE LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES CHILD SUPPORT ENFORCEMENT DIVISION TO ENTER INTO A IV-D SERVICE CONTRACT WITH THE LAKE COUNTY PROSECUTOR FOR CHILD SUPPORT SERVICES, EFFECTIVE JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 (20121220\JFS03) (JFS-2)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

16. RESOLUTION AUTHORIZING THE LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES CHILD SUPPORT ENFORCEMENT DIVISION TO ENTER INTO A IV-D SERVICE CONTRACT WITH THE LAKE COUNTY TREASURER FOR CHILD SUPPORT SERVICES EFFECTIVE JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 (20121220\JFS04) (JFS-2)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

17. RESOLUTION AUTHORIZING THE LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES CHILD SUPPORT ENFORCEMENT DIVISION TO ENTER INTO A SERVICE CONTRACT WITH THE LAKE COUNTY TREASURER TO RECEIVE NON-IV-D CHILD SUPPORT CASH PAYMENTS, EFFECTIVE JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 (20121220\JFS05) (JFS-2)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

18. RESOLUTION APPOINTING JENNIFER M. VINCI-WILLARD TO THE POSITION OF INCOME MAINTENANCE WORKER 3 IN THE INCOME MAINTENANCE DIVISION OF THE LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES, EFFECTIVE JANUARY 2, 2013 (20121220\JFS06) (JFS-4)

Commissioner Troy: This will fill a vacancy.

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

19. RESOLUTION APPOINTING KRISTINA L. WARNE TO THE POSITION OF INCOME MAINTENANCE WORKER 3 IN THE INCOME MAINTENANCE DIVISION OF THE LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES, EFFECTIVE JANUARY 2, 2013 (20121220\JFS07) (JFS-4)

Commissioner Aufuldish: This will also fill a vacancy.

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

20. RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICE AGREEMENT BETWEEN FORBES HOUSE AND THE LAKE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES IN AN AMOUNT NOT TO EXCEED \$40,304.00, EFFECTIVE JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 (20121220\JFS08) (JFS-2)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

21. RESOLUTION AUTHORIZING EXECUTION OF A WORKERS' COMPENSATION MANAGEMENT SERVICE AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS AND COMPENSABLE BENEFITS, EFFECTIVE JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 (20121220\C01) (Workers' Comp.)

Bill Margalis Administrative Director: This is our annual Workers Compensation Plan Agreement with our third party administrator Compensable Benefits which acts as our third party administrator. They have been doing this service for the county for over 20 years.

Commissioner Aufuldish: And, obviously they do a very nice job.

Mr. Margalis: They do an excellent job and we have seen minimal increases over the years.

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

22. RESOLUTION AUTHORIZING EXECUTION OF A RENEWAL AGREEMENT BETWEEN BUSINESS STORAGE COMPANY AND THE LAKE COUNTY BOARD OF COMMISSIONERS IN THE AMOUNT OF \$11,250.00, EFFECTIVE JANUARY 16, 2013 THROUGH JANUARY 15, 2014 (20121220\C02) (209z-17)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

23. RESOLUTION RECLASSIFYING MARILYN MOORE FROM THE POSITION OF SECRETARY 3 TO SECRETARY 4 IN THE LAKE COUNTY TELECOMMUNICATIONS DEPARTMENT, EFFECTIVE DECEMBER 24, 2012 (20121220\C03) (P-404)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

24. RESOLUTION ACCEPTING THE RETIREMENT RESIGNATION OF JACK MILLER FROM THE LAKE COUNTY BUILDINGS AND GROUNDS DEPARTMENT, EFFECTIVE DECEMBER 31, 2012 (20121220\C04) (P-7)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

25. RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 AND PROGRESS PAYMENT NO. 2 IN THE AMOUNT OF \$102,885.19 WITH WINTERS & LEWIS EXCAVATING, INC. FOR THE NEWELL STREET CULVERT REPLACEMENT PROJECT (20121220\C05) (UT-46a)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

26. RESOLUTION SETTING MEETINGS OF THE LAKE COUNTY BOARD OF COMMISSIONERS (20121220\C06) (C-107)

Commissioner Troy: We will have a Commissioners' Meeting on Thursday, January 10, 2013 at 10 am. And, we will schedule four months of Commissioners' Meetings after the 11 am Organizational Meeting on Monday, January 14, 2013. There will be a regular Commissioners Meeting on Tuesday, January 15, 2013 at 2 pm.

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

27. RESOLUTION APPROVING AND ADOPTING CHANGES TO THE LAKE COUNTY SUBDIVISION REGULATIONS: ARTICLE I, SECTION 4(B); ARTICLE II; ARTICLE III, SECTION 3(G)(1); ARTICLE III, SECTION 3(I); ARTICLE III, SECTION 4(G); ARTICLE III, SECTION 6(G); ARTICLE III, SECTION 7(2); ARTICLE IV, SECTION 3(B)(9); ARTICLE V, SECTION 10(A)(2); ARTICLE V, SECTION 10(A)(B); ARTICLE V, SECTION 10(F); ARTICLE V, SECTION 10(G) (20121220\C07) (C-34)

Dave Radachy, Interim Director, Planning and Community Development: We have not received any written or verbal comments.

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

28. RESOLUTION ACCEPTING THE RETIREMENT RESIGNATION OF DEAN JOHNSON FROM THE LAKE COUNTY BUILDINGS AND GROUNDS DEPARTMENT, EFFECTIVE DECEMBER 21, 2012 (20121220\C08) (P-7)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

29. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$1,614,628.13 (20121220\BC01) (C-4)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

30. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$487,961.49 (20121220\BC02) (C-17)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

31. RESOLUTION INCREASING AND DECREASING APPROPRIATIONS FOR VARIOUS GENERAL AND NON GENERAL FUND ACCOUNTS (20121220\BC03) (C-111)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

32. RESOLUTION TRANSFERRING CASH AND APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON GENERAL FUND ACCOUNTS (20121220\BC04) (C-111)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

33. RESOLUTION APPROVING THE 2013 TEMPORARY APPROPRIATION MEASURE FOR THE GENERAL FUND (20121220\BC05.TGF) (C-111)

Joel DiMare, Budget Director: Every year in December we approve a temporary budget for the General Fund and Outside the General Fund Account. This budget will get us through the first three months of the year. We are projecting \$50 million in revenues for 2013 and \$49,800,00 in expenditures. Expenditures are noticeably down by \$9 - \$10 million due to the change in accounting when we account for our healthcare plan. 2013 is also the first year of the inside millage drop from \$2.1 mills to \$1 mills. This is a projected drop in about \$6.45million from the General Fund. The Local Government Fund is anticipated to drop by \$200,000.

Commissioner Troy: This is a temporary budget, which will give the county the ability to continue to do business at the beginning of the new year. This budget does not spell out the parameters of the entire year, which will be reflective in the final appropriations resolution that we are required to pass by the first of April. As indicated, there is an accounting change because the healthcare expenditures are being paid for out of a separate fund. So, overnight that will drop the overall general fund expenditure of the budget down significantly. This temporary budget reflects a 2.5% wage increase in the non-bargaining employees salary line items for each department and will be incorporated into the permanent budget for non-union employees. Bargaining contracts will continue or will be addressed when we get into those negotiations. This is the first raise that non-bargaining employees have had since 2008. And, the outlay for employee salaries within the general fund has fallen from \$28 million in 2009 to a little under \$22 million projected in 2013. We will most likely pass the final appropriation in February.

Commissioner Aufuldish: Joel, our new Finance Director and his staff have done a wonderful job putting together this budget. We held budget hearings with some of our major folks before we decided to set the budget for the first quarter of the year. We would like to thank all of the non-union folks who have not had a compensation increase in the last four years. Effective, January 1, 2013 they will in fact receive a 2.5% increase in their salary. We certainly appreciate everything that they have done.

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy “NAYS”: None

UTILITIES: None

STORMWATER: None

JOB AND FAMILY SERVICES: None

COUNTY ADMINISTRATOR: None

FINANCE: None

December 20, 2012

CLERK: None

LEGAL: Josh Horacek was present.

Commissioner Troy: We are in a little bit of a dispute with another office holder. Do we need to authorize by resolution the expenditure of funds for the hiring of outside counsel?

Commissioner Sines: That is being prepared as we speak. We probably won't do that until next week.

OLD BUSINESS: There was no old business.

NEW BUSINESS: Commissioner Troy: I continue to have emails with the staff of the Finance Intergovernmental Affairs Committee that I chair regarding what is going on in Washington D.C. in terms of the fiscal cliff. As of last week, municipal bond tax exemptions were off the table. Now, I hear that it is back on the table. We are watching because county government has a lot of programs that are dependent on federal funding streams. If nothing is done prior to January 2, 2013 massive automatic cuts go into effect. At the same time, substantial tax reductions cease to exist and taxes automatically increase for most Americans.

PUBLIC COMMENT: None

- The Commissioners wished everyone a very Merry Christmas.

EXECUTIVE SESSION: On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the Board convened an Executive Session at 10:28 am to discuss pending litigation, personnel appointment, and real estate matters, with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

The Lake County Board of Commissioners recessed Executive Session at 10:28 am.

The Lake County Board of Commissioners reconvened Executive Session at 10:36 am.

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the Board terminated the Executive Session at 11:29 am, with the vote as follows:

"AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

ADJOURN: On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the Board adjourned the meeting at 11:30 am, with the vote as follows:

"AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

Minutes approved this 10th day of January, 2013.

BOARD OF LAKE COUNTY COMMISSIONERS

RAYMOND E. SINES, PRESIDENT

DANIEL P. TROY, COMMISSIONER

ROBERT E. AUFULDISH, COMMISSIONER

AMY ELSZASZ, CLERK